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Court of Appeal, Second Appellate District

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 **JOSHUA HILD,**

13 Plaintiff,

14 v.

15 **CALIFORNIA SUPREME COURT;  
16 CALIFORNIA COURT OF APPEAL,  
17 SECOND APPELLATE DISTRICT,**

18 Defendants.

C 07 5107 TEH

**[Proposed] ORDER DISMISSING  
COMPLAINT [Rule 12(b), F.R.C.P.]**

19 The Motion to Dismiss under Federal Rules of Civil Procedure, Rule 12(b), filed by  
20 defendant California Department of Justice was heard in open court on December 3, 2007.

21 Plaintiff Joshua Hild appeared though his counsel, Brian D. Chase. The California Supreme Court  
22 and California Court of Appeal, Second Appellate District, appeared by counsel, Deputy Attorney  
23 General Tom Blake.

24 The Court GRANTS the Motion to Dismiss as to defendants California Supreme Court and  
25 California Court of Appeal, Second Appellate District, on the grounds that the Court is without  
26 jurisdiction to review state court criminal proceedings; on the grounds matter is moot and that  
27 plaintiff lacks standing; on the grounds that defendants are immune by virtue of the Eleventh  
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1 Amendment; and on the grounds that the complaint fails to state any claim upon which relief can be  
2 granted.

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4 Dated: \_\_\_\_\_

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6 THELTON E. HENDERSON  
7 United States District Judge  
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